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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,718	07/28/2003	Helmut Kadmoska	WBW-12002	6749

24131 7590 05/06/2004
LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
SCHULTERBRANDT, KOFI A	
ART UNIT	PAPER NUMBER

3632

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,718

Applicant(s)

KADR NOSKA ET AL.

Examiner

Kofi A. Schullerbrandt

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/28/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: Marked up copy of U.S. Pat No. 2,277,738 (Figures 1-7); U.S. Patent No. 4,338,70 (Figures 1-3); and U.S. Patent No. 5,462,246 (Figures 1-4) .

DETAILED ACTION

This first Office Action is in response to Applicant's originally filed Application received in the Office on July 28, 2003 in this case.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 28, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of clevises" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what Applicant means in claim 1 by "an opening on a side facing the wall and remaining sides". Is the opening "on a side facing the wall" also in the remaining sides. It is unclear how the plurality of clevises fasten the duct to the wall because the drawings do not show fastening by a plurality of clevises.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlenker (5,462,246). Schlenker teaches each feature of the claimed invention as shown in the attached marked-up copy of Schlenker's Figures 1 and 2. Regarding claim 12, Schlenker's duct includes (14) and (35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (2,277,738), in view of Byerly (4,338,707). Wilkinson teaches, substantially, each feature of the claimed invention as shown in the attached marked-up copy of Wilkinson's Figures 1-7. Wilkinson does not teach a conduit for receiving the line material or an elongated hole in a first one of the parts. Byerly however teaches a conduit/liner (30) for cushioning the contact between the cable or pipe to be supported and the support. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Wilkinson to have a lining along Wilkinson's the clevis members (22 and 23) to form a conduit as taught by Byerly in order to cushion the contact as taught by Byerly. Regarding claim 4, if Byerly's duct (30) is formed in the shape of Wilkinson's clevis members (22), its ends will be inwardly bent. It would also have been obvious to one of ordinary skill in the art at the time of invention to have modified Wilkinson's hole to be elongated to increase the flexibility of positioning as taught by Wilkinson's flange hole (34) to make insertion and positioning of Wilkinson's journal (25) easier.

Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (2,277,738), in view of Byerly (4,338,707) and Taft (928,711). Wilkinson teaches, substantially, each feature of the claimed invention as shown in the attached marked-up copy of Wilkinson's Figures 1-7. Wilkinson does not teach a conduit for receiving the line material or an elongated hole in a first one of the parts. Byerly, however, teaches a conduit/liner (30) for cushioning the contact between the cable or pipe to be supported and the support and Taft teaches the polygonal shape. It would

Art Unit: 3632

have been obvious to one of ordinary skill in the art at the time of invention to have formed the duct into a polygon or any other shape appropriate for holding the optimal amount of "line material" as taught by Taft and because line material holders of polygonal shape with rounded and beveled edges are well known in the art.

Prior Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '860 to Richards; '103 to Seel et al.; '001 to Button; '256 to Fitzpatrick; '566 to McFeaters and '739 to Wahlert. Each of the foregoing references teaches a line material fastener.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kofi Schulterbrandt
April 29, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER

March 31, 1942.

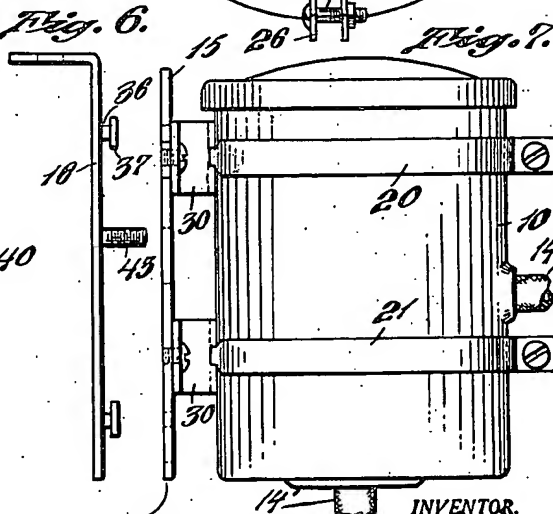
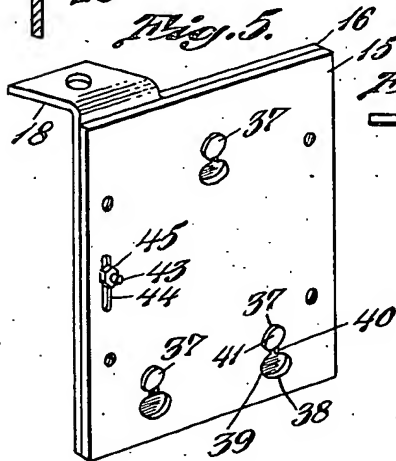
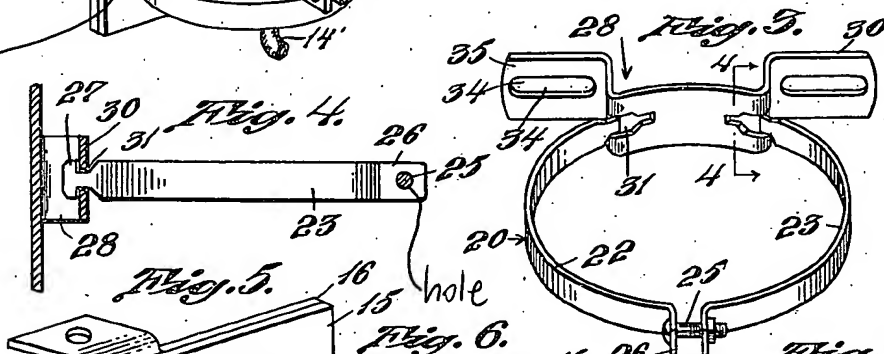
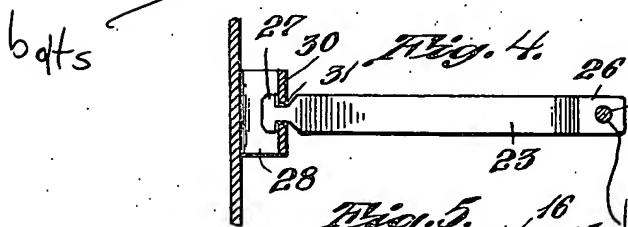
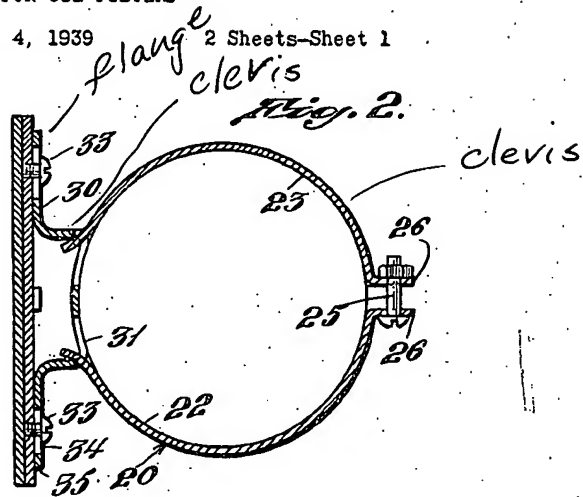
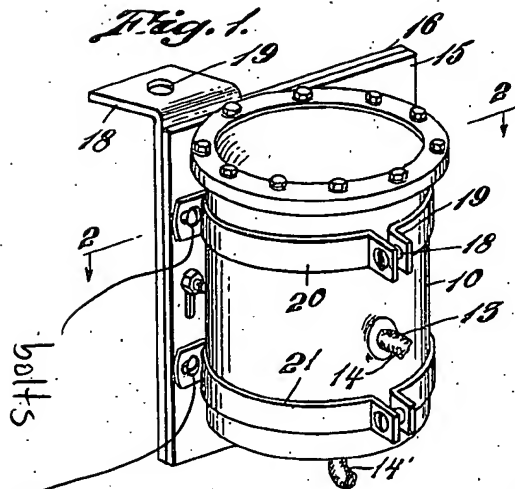
J. W. WILKINSON

2,277,738

MOUNTING DEVICE FOR OIL FILTERS

Filed Aug. 4, 1939

2 Sheets-Sheet 1



INVENTOR.
James W. Wilkinson
BY *Barlow & Barlow*
ATTORNEYS.

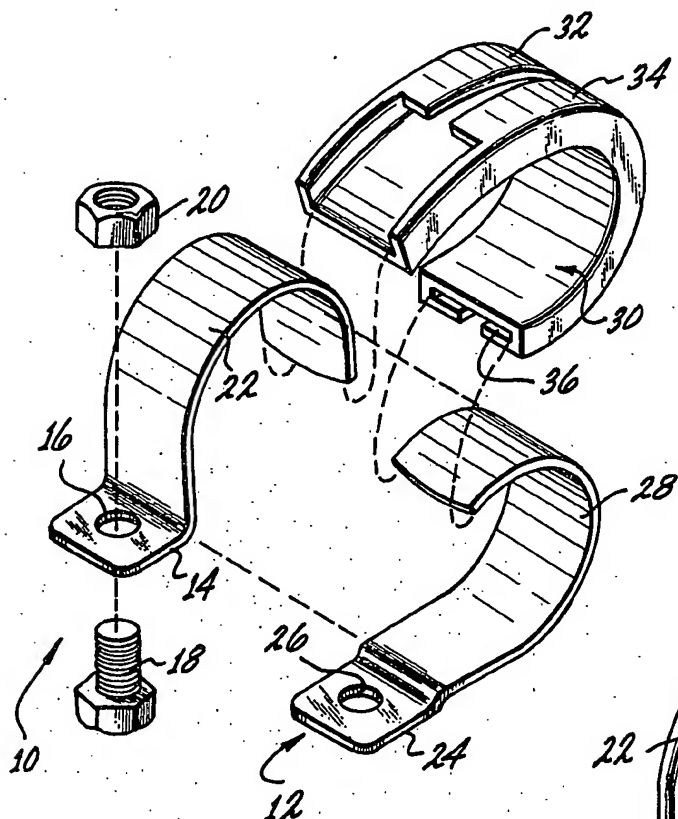


Fig. 1

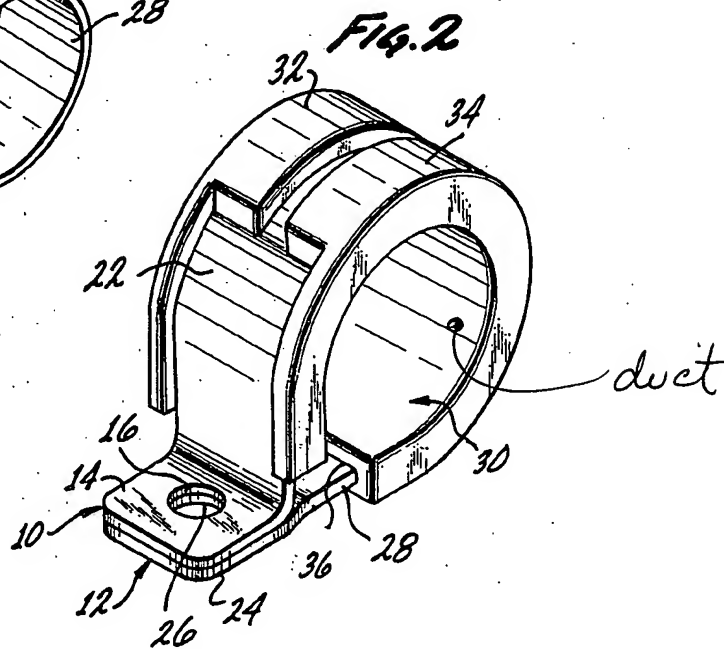


Fig. 2

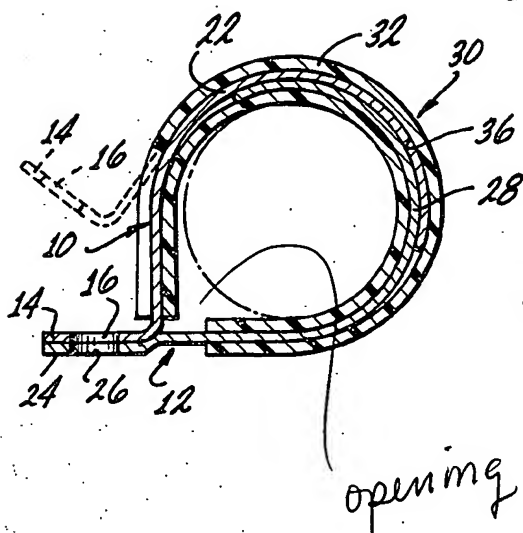


Fig. 3

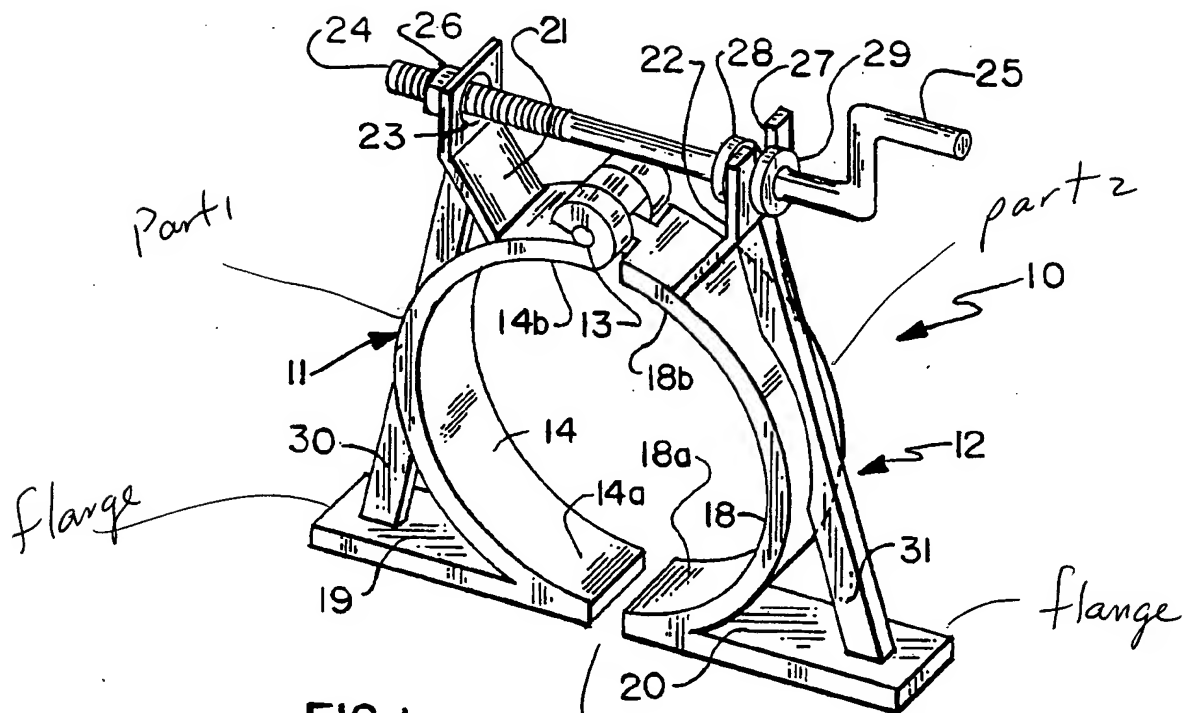
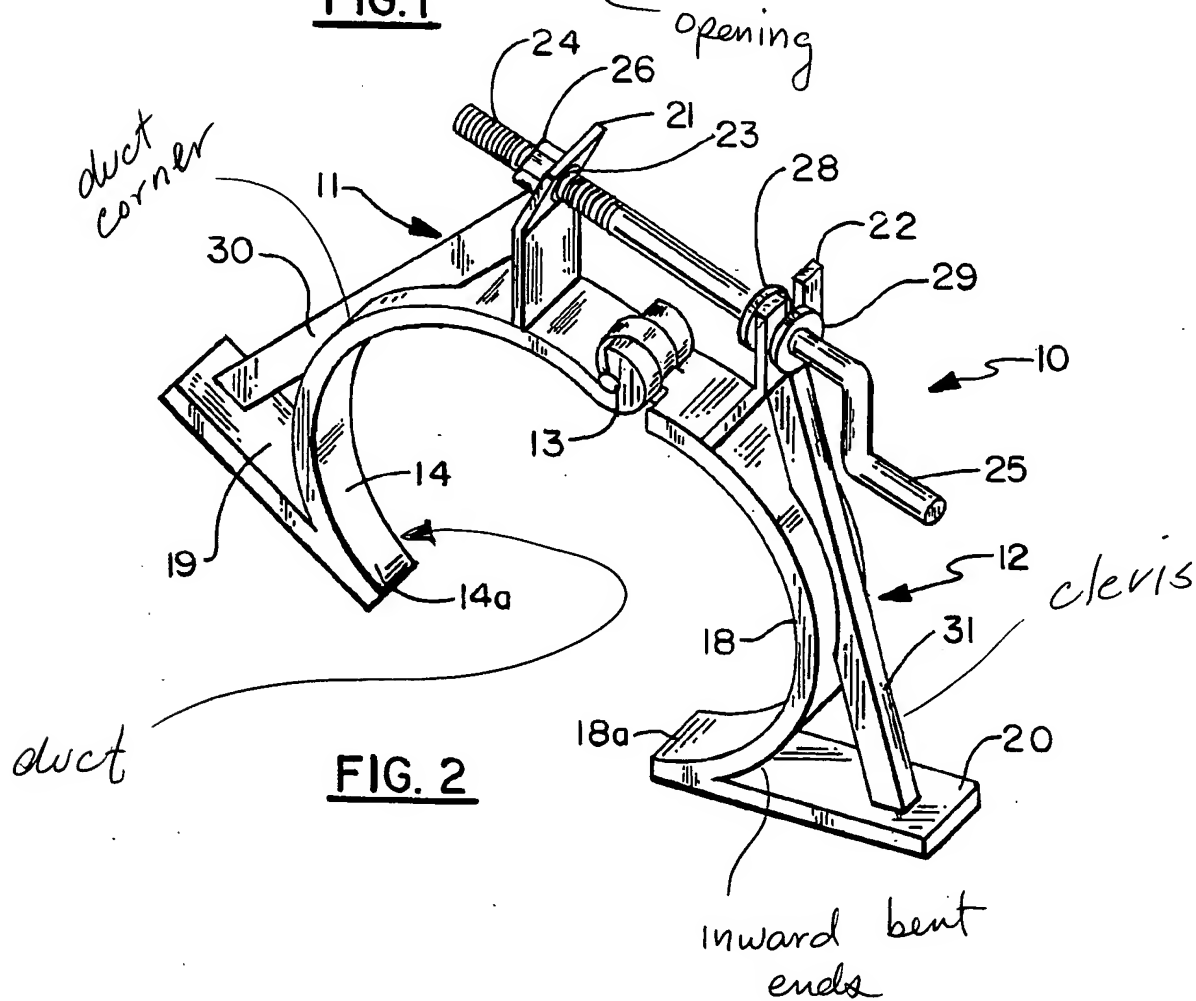


FIG. 1



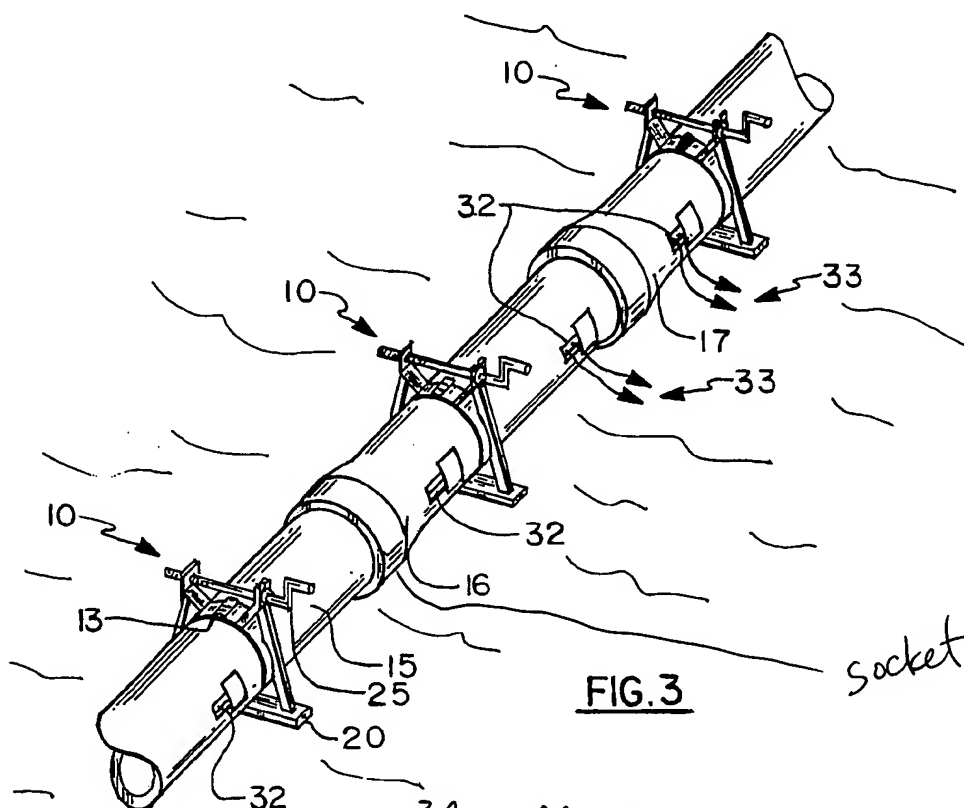


FIG. 3

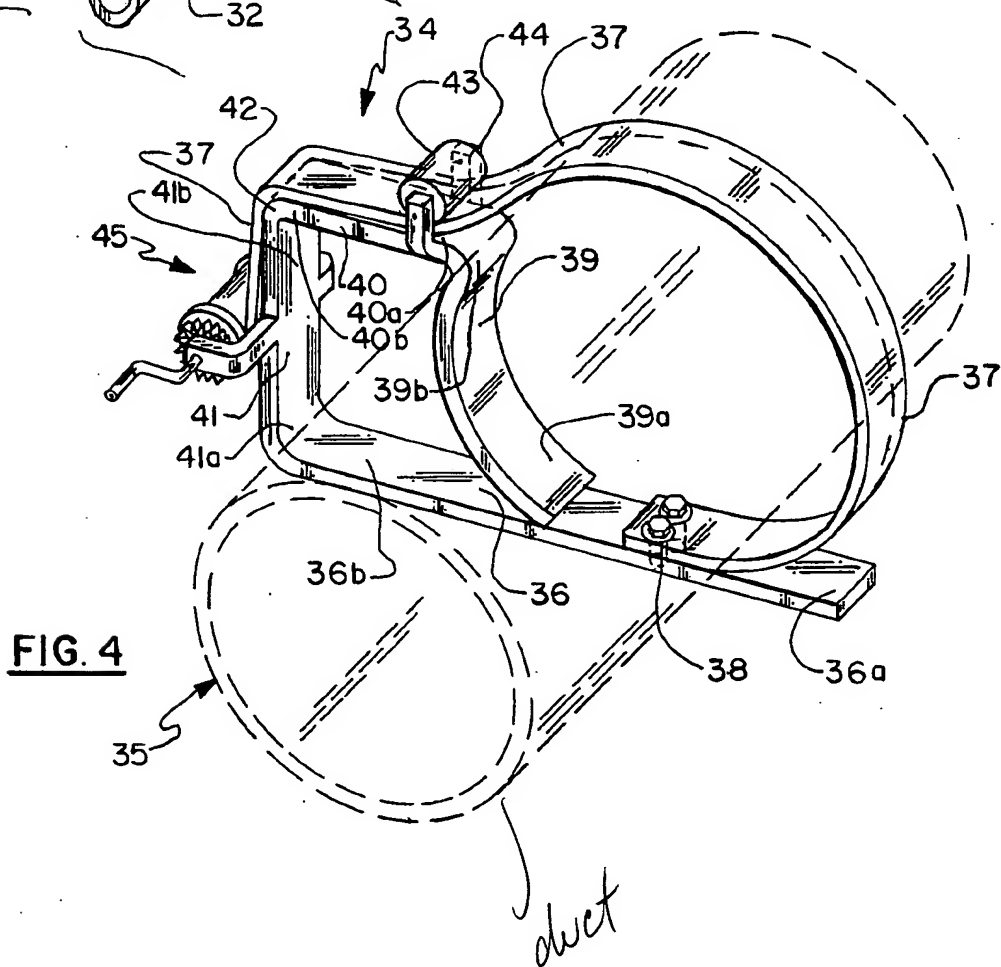


FIG. 4